General Assembly
Sixtieth session
Official Records

Distr.: General
29 September 2006
English

Sixth Committee

Summary records of the 1st to 24th meetings
Held at Headquarters, New York, from 3 October 2005 to 8 June 2006

Corrigendum

This corrigendum contains delegation and Secretariat corrections to the summary records of the meetings held by the Sixth Committee during the sixtieth session (A/C.6/60/SR.1-24).

With the issuance of this corrigendum, the records of the above-mentioned meetings are to be considered final.

18th meeting

Paragraph 37

The first sentence should read:

Draft article 10 and draft article 6 should be revisited.

19th meeting

Paragraphs 1 to 3, and paragraph 4, lines 1 to 4, should read:

1. **Mr. Lavalle-Valdés** (Guatemala) said that the reference, in article 4, paragraph 2 (a), of the draft articles on the effects of armed conflicts on treaties, to provisions of the Vienna Convention on the Law of Treaties gave the impression that the "intention" referred to in the article related to the interpretation of the treaty. That would be the case where the treaty expressly or implicitly indicated the intention of the parties concerning the termination or suspension of the treaty in the event of an armed conflict. Generally speaking, however, treaties contained no reference, even implicitly, to such an eventuality. If the object of the treaty was the sale of ships, for example, and the treaty, while indicating the price, made no reference to delivery or payment methods, any resort to the travaux préparatoires or the circumstances of the conclusion of the treaty in order to resolve such issues was tantamount to an interpretation of the treaty, by the means laid down in the Vienna Convention.

2. By contrast, where there was agreement on all the elements essential to the operation of the treaty, but the parties wished to introduce an additional feature which related to the treaty but did not constitute an essential element thereof, any action taken for that purpose did not constitute interpretation. Thus, to revert to the example of a treaty under which one State sold ships to another, it might be necessary to establish whether the parties had agreed that, in the event of a ship sinking after its delivery by the first State, it was obliged

to replace the lost ship by another at the same price and on other previously agreed conditions. In that case, the action taken to ascertain whether there had been such an agreement between the parties was in no sense an interpretation of the treaty, since what needed to be established was whether an additional agreement had been made.

3. Similarly, in the case of a treaty which, as usually happened, contained no provision on whether it would operate or not in the event of an armed conflict between the parties, the action that needed to be taken to ascertain whether there had been an agreement in that regard between the parties again could not be considered to involve an interpretation of the treaty.

4. He therefore proposed that article 4 should be replaced by the following:

Paragraph 35

The name of the speaker should read:

Ms. Telalian